

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

AZURITY PHARMACEUTICALS, INC.,

*Plaintiff,*

v.

BIONPHARMA INC.,

*Defendant.*

C.A. No. 21-1286-MSG

C.A. No. 21-1455-MSG

**DEFENDANT BIONPHARMA'S MOTION  
FOR RECONSIDERATION ON SCHEDULING**

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Dated: March 8, 2023

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Defendant Bionpharma Inc. (“Bionpharma”) respectfully moves this Court for reconsideration in connection with the parties’ scheduling dispute (D.I.<sup>1</sup> 264, Joint Scheduling Submission) and the Court’s Amended Scheduling Order (D.I. 268). The grounds for the instant Motion are fully set forth in Bionpharma’s Brief in support of the instant Motion, filed concurrently herewith, and in the accompanying Declaration of Christopher J. Kelly, Esq. Pursuant to D. Del. LR 7.1.1, the undersigned counsel certifies that a reasonable effort was made to reach agreement on the matters set forth herein, but agreement could not be reached.

WHEREFORE, Bionpharma respectfully requests that this Court grant its Motion, vacate the Amended Scheduling Order, and enter an amended scheduling order that provides the parties with at least 9 months to complete fact discovery. A proposed order for the Court’s consideration, which includes a proposed amended scheduling order, is submitted concurrently herewith.

Dated: March 8, 2023

/s/ John C. Phillips, Jr.  
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<sup>1</sup> All “D.I.” references herein and in Bionpharma’s accompanying Opening Brief are to the 21-1286 docket unless otherwise specified.

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